

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAMSPORT DIVISION

William C. Toth Jr., et al.

Plaintiffs,

v.

Leigh M. Chapman, et al.,

Defendants

Case No. 1:22-cv-00208-JPW

**ORDER GRANTING EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER**

The plaintiffs' emergency motion for temporary restraining order and preliminary injunction is GRANTED. The Court concludes that the plaintiffs are likely to succeed on the merits of their claims that the defendants are violating the Elections Clause by failing to adhere to the General Primary Calendar prescribed by the Pennsylvania legislature, and by failing to implement at-large elections for the Pennsylvania congressional delegation as required by 2 U.S.C. § 2a(c)(5). The Court further concludes that the plaintiffs will suffer irreparable harm absent a TRO or preliminary injunction, that the balance of equities favors the enforcement of the Elections Clause, and that public interest supports immediate injunctive relief.

It is therefore ORDERED that:

1. Defendants Leigh M. Chapman, Jessica Mathis, Tom Wolf, and their successors in office, along with their officers, agents, servants, employees, attorneys, designees, and subordinates, as well as any person acting in concert or participation with them, are ENJOINED from departing from the General Primary Calendar prescribed by the Pennsylvania legislature, with respect to any election for representatives or senators in the United States Congress, regardless of the Supreme Court of Pennsylvania's order of February 23, 2022, or any order of the Pennsylvania state judiciary.

2. Defendants Leigh M. Chapman, Jessica Mathis, Tom Wolf, and their successors in office, along with their officers, agents, servants, employees, attorneys, designees, and subordinates, as well as any person acting in concert or participation with them, are ORDERED to hold at-large elections for the Pennsylvania congressional delegation, as required by the Elections Clause and 2 U.S.C. § 2a(c)(5), unless and until the General Assembly of Pennsylvania enacts a new congressional map;

3. Defendants Leigh M. Chapman, Jessica Mathis, Tom Wolf, and their successors in office, along with their officers, agents, servants, employees, attorneys, designees, and subordinates, as well as any person acting in concert or participation with them, are ENJOINED from implementing the congressional map adopted by the Supreme Court of Pennsylvania's order of February 23, 2022, any congressional map that might be drawn by the Supreme Court of Pennsylvania or any other state court.

4. Because the defendant will not suffer any financial loss on account of this preliminary injunction, there is no need for the plaintiff to post security under Rule 65(c) of the federal rules of civil procedure.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT JUDGE

Dated: _____, 2022

UNITED STATES DISTRICT JUDGE